

IN THE CIRCUIT COURT OF STONE COUNTY, MISSOURI

STATE OF MISSOURI *ex rel.*  
 Attorney General Chris Koster and  
 Missouri Department of  
 Natural Resources,

Plaintiff,

v.

VIRGIN BLUFF ESTATES, INC.,  
 PATRICK PARRISH,  
 LAKE COUNTRY VILLAGE POA,  
 PROPERT LLC, and  
 C.L. CARR, JR.,

Defendants.

Case No. 14SN-CC00154

**Consent Judgment**

The State of Missouri and Defendant Lake Country Village POA assent to the entry of this Consent Judgment. The parties advised the Court that they consent to its terms for settlement purposes only, and they conditioned their consent upon the Court approving the document in its entirety.

The Court has read the State's Petition for Injunctive Relief and Civil Penalties, which alleges that Defendants violated the Missouri Clean Water Law. The Court is satisfied that the provisions of this Consent Judgment are intended to resolve the issues raised by the Petition, and that the parties want to terminate this controversy by consenting to the entry of this

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judgment without trial. The Court retains jurisdiction over the parties and this matter in order to enforce every term of this Consent Judgment.

The parties agree to the following:

1. **Objectives.** The objectives of the parties to this Consent Judgment are to protect human health and the environment and to resolve the allegations contained in the Petition.

2. **Definitions.** The terms used below shall have the same meaning as provided in the Missouri Clean Water Law and its implementing regulations. In addition, the following terms are specifically defined:

a. "Consent Judgment" means this Consent Judgment and all attachments, which are included by reference;

b. "Defendant" means Lake Country Village Property Owners' Association;

c. "Department" means the Missouri Department of Natural Resources;

d. "Plaintiff" and "State" mean the State of Missouri;

e. "Site" or "Facility" means the Lake Country Village Subdivision of Stone County, Missouri, and the wastewater treatment facility that serves it.

3. **Jurisdiction.** Defendant consents to this Court's personal jurisdiction for purposes of executing and enforcing this Consent Judgment.

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4. **Parties Bound.** The provisions of this Consent Judgment jointly and severally bind all parties to this action as well as their respective agents, servants, employees, heirs, successors, and assigns. Additionally, these provisions bind all persons, firms, corporations and other entities who are, or who will be, acting in concert or privity with, or on behalf of the parties to this action or their agents, servants, employees, heirs, successors, and assigns. Defendant shall provide a copy of this Consent Judgment to all persons or entities retained to perform work required by its terms. Any change in ownership or corporate status of Defendant including, but not limited to, any transfer of assets or real or personal property shall not alter Defendant's responsibilities under this Consent Judgment.

5. **Modification.** The parties must agree in writing and must receive approval from the Court in order to modify or amend this Consent Judgment.

6. **Costs.** Defendant shall pay all court costs in this action.

#### **I. Injunctive Relief**

7. Defendant agrees and is ordered to comply with all State of Missouri environmental laws for any future activities in the State.

8. Defendant agrees and is ordered to prohibit and prevent any additional connections from being made to the wastewater treatment facility, from the time that this Consent Judgment is executed until

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Defendant receives approval from the Court authorizing additional connections to the facility to be made. The one exception is that the Court will allow one additional connection in order to allow the Defendant to obtain ownership of the lift station.

9. Within 10 days from the entry of the Consent Judgment, Defendant agrees and is ordered to visually inspect the Facility and receiving stream below the outfall a minimum of two times per week to ensure that the Facility is operating properly. Defendant shall maintain a written log of the inspections and note if there were any issues with the Facility, whether sludge was observed in the chlorine contact basin or below the outfall, and corrective action taken. If there is sludge below the outfall or in the receiving stream, Defendant shall report the discharge to the Department within 24 hours. Defendant shall report the discharge of sludge to the Department by phone at 417-891-4300 between 8:00 a.m. and 5:00 p.m. Monday through Friday or at the Department's 24-hour spill line at 573-634-2436 after hours, weekends, and holidays. Defendant is ordered to continue to conduct inspections and maintain the log until receiving written approval from the Department to cease the inspections and maintaining the log.

10. Defendant agrees and is ordered to submit a copy of the log of inspections required in Paragraph 9 to the Department each month by the 15<sup>th</sup> day of the following month.

11. Within 90 days from the entry of this Consent Judgment, Defendant agrees and is ordered to implement operational changes and maintenance repairs at the Facility that will enable the Facility to comply with the Missouri Clean Water Law and implementing regulations, and all conditions and requirements of the Facility's operating permit.

12. If the Facility cannot achieve compliance with the Missouri Clean Water Law and regulations and all conditions and requirements of its operating permit within 90 days from the entry of the Consent Judgment, then the Defendant agrees and is ordered to submit to the Department for review and approval, a facility plan developed in accordance with the requirements of 10 CSR 20-8.020 and prepared by a professional engineer licensed to practice in the state of Missouri. The facility plan shall evaluate the wastewater treatment system, including a detailed study of the flow received by the Facility, and recommend upgrades and/or operational changes and maintenance repairs that will enable the Facility to comply with the Missouri Clean Water Law and the conditions and requirements of the operating permit. The facility plan, if required, shall be submitted within 180 days from the entry of this Consent Judgment.

- a. Within 15 days after receipt of Department comments on Defendant's facility plan, Defendant agrees and is ordered to respond to and adequately address, to the Department's satisfaction, all of the Department's comments on the facility plan.
- b. If the Department-approved facility plan recommends operational changes and/or maintenance repairs, Defendant shall fully implement all approved recommendations within 60 days of the date the Department approves the facility plan.
- c. If the Department-approved facility plan recommends upgrades to the Facility, within 60 days of the date the Department approves the facility plan, Defendant is ordered and agrees to submit to the Department for review and approval, a complete application for a construction permit, including the applicable fee and plans and specifications signed and sealed by a professional engineer licensed to practice in the state of Missouri, for upgrades at the Facility which will enable the Facility to comply with all applicable conditions and requirements contained in the operating permit.

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- d. Within 15 days after receipt of Department comments on Defendant's construction permit application, Defendant shall respond to and adequately address, to the Department's satisfaction, all of the Department's comments on the construction permit application.
- e. Within 120 days of issuance of a construction permit, Defendant agrees to complete construction of the approved upgrades.
- f. Within 30 days of completing construction, Defendant agrees to submit to the Department a Statement of Work Completed Form, signed, sealed, and dated by a professional engineer licensed to practice in the state of Missouri, certifying that the project has been completed in accordance with the approved plans and specifications, and a complete application with the applicable fee to modify the operating permit.

## II. Civil Penalties

13. Defendant consents to the entry of judgment in favor of the State of Missouri for a civil penalty of \$14,000.00. Defendant hereby authorizes entry of this judgment against it and in favor of the State of Missouri for this sum. The parties agree that \$13,000.00 of the civil penalty will be suspended on the conditions that Defendant complies with this Consent Judgment and that Defendant commits no further violations of the Missouri Clean Water Law for a period of two years following entry of this Consent Judgment.

14. Within 30 days of the effective date of this Consent Judgment, Defendant shall pay the \$1,000.00 civil penalty by check made payable to the "*State of Missouri (Stone County)*" and mailed, along with a copy of the first page of this Consent Judgment, to: Collections Specialist, Missouri Attorney General's Office, P.O. Box 899, Jefferson City, MO 65102-0899.

15. In the event that Defendant fails to pay the civil penalty within the time limits imposed in the preceding paragraphs, Defendant agrees to pay interest on the unpaid portion at the rate of nine percent per annum.

## III. Satisfaction and Reservation of Rights

16. Upon the completion of all terms of this Consent Judgment, including the payment of a civil penalty, Defendant is relieved of liability for the violations alleged in the Petition.

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17. This Consent Judgment shall not be construed to limit the rights of the State to obtain penalties or injunctive relief under the Missouri Clean Water Law or its implementing regulations, or under other federal or state laws or regulations, except as expressly stated in the preceding.

18. Without limiting the foregoing, the parties expressly agree that nothing in this Consent Judgment shall:

a. Prevent the State from applying to this Court for further orders or relief if violations of this Consent Judgment occur;

b. Preclude the State from seeking equitable or legal relief for violations of any laws or regulations not alleged in the Petition;

c. Preclude the State from seeking equitable or legal relief for future violations of the Missouri Clean Water Law or its implementing regulations.

19. The State further reserves all legal and equitable remedies to address any imminent and substantial danger to the public health or welfare or the environment arising at, or posed by, Defendant's Facility or Site, acts, or omissions, whether related to the violations addressed in this Consent Judgment or otherwise.

#### **IV. Notice and Delivery**

20. Whenever under the terms of this Consent Judgment notice must be given or a report or other document must be forwarded by one party

to another, it shall be directed to the entities at the addresses specified below.


21. Notice must be in writing and either hand-delivered or sent by registered or certified mail, postage prepaid.

<b>To the Department:</b>	<b>To the State:</b>
Missouri Department of Natural Resources Water Protection Program P.O. Box 176 Jefferson City, MO 65102 Phone: (573) 526-1582 Fax: (573) 526-5268	Missouri Attorney General's Office Agriculture & Environment Division P.O. Box 899 Jefferson City, MO 65102 Phone: (573) 751-8834 Fax: (573) 751-8796
<b>To Defendant:</b>	
Lake Country Village POA 21 Morey Lane Galena, MO 65656	

22. Either party may update the delivery address by giving written notice of the new address to the other parties at the addresses above or to the most recent address provided in accordance with this paragraph.

The parties hereby consent to this Consent Judgment through their duly authorized representatives as indicated below.

LAKE COUNTRY VILLAGE PROPERTY OWNERS' ASSOCIATION

  
\_\_\_\_\_  
President

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Signature: CR Offord

Date: 10/13/16

DAVID CASALETTO  
Vice President

Signature: David Casaletto

Date: 10/13/16

Jill A. Morey  
Secretary/Treasurer

Signature: Jill A. Morey

Date: 10/13/16

MISSOURI ATTORNEY GENERAL'S OFFICE

By: Joel Reschly  
Joel Reschly  
Assistant Attorney General

Date: 10/25/2016

MISSOURI DEPARTMENT OF NATURAL RESOURCES

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Name: John Madras

Title: Director, Water Protection Program

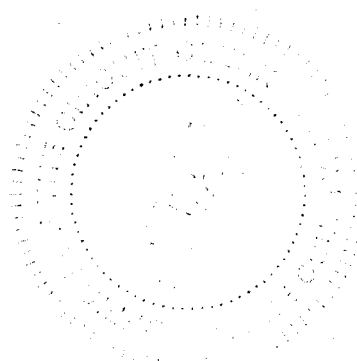
Date: 11/2/16

SO ORDERED.

Jack A. L. Goodman

The Honorable Jack A. L. Goodman  
Circuit Judge

Date: 12-5-16



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